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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,264	07/02/2001	Kiyoshi Kamitani	Q64664	7751

7590

04/16/2003

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EXAMINER

FLETCHER III, WILLIAM P

ART UNIT

PAPER NUMBER

1762

10

DATE MAILED: 04/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/895,264

Applicant(s)

KAMITANI, KIYOSHI

Examiner

William Phillip Fletcher III

Art Unit

1762

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 April 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  
2. ☒ The proposed amendment(s) will not be entered because:  
(a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ they raise the issue of new matter (see Note below);  
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see attached Detailed Advisory Action.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached Detailed Advisory Action.  
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 1-3, 5, 6, 9, 12-14 and 17-25.

Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.  
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.  
10. ☐ Other: \_\_\_\_\_

*04/14/03 WPF*  
William Phillip Fletcher III  
Patent Examiner, USPTO  
Group Art Unit 1762

*Detailed Advisory Action*

The examiner prepares this advisory action in reply to applicant's response, timely filed  
5 09 April 2003, made of record in this file as Paper No. 9.

Applicant's proposed amendment in Paper No. 9 will not be entered as it raises new issues that would require further search and consideration. Claim 1, if amended as proposed, would recite that the second heating means does not contact the support and the photosensitive coated layer. This limitation has not, heretofore, been searched or considered by the examiner.

10 The examiner has fully considered applicants arguments set-forth in Paper No. 9; responses follow below.

Applicant argued that, with respect to claim 12, the originally-filed disclosure provides literal support for a plurality of supports and that the plurality of supports have different dimensions. The examiner concurs in part. Those sections of the originally-filed disclosure  
15 cited by applicant appear to disclose a plurality of supports. Those sections of the originally-filed disclosure cited by applicant as referring to different dimensions in each instance refer back only to thickness and width (see spec. p. 12, ll. 8 - 9, 11 - 12, and 14; and p. 28, l. 22, parenthetical). As noted in Paper No. 8, "dimensions" is inclusive of other than just thickness and width. Consequently, this argument is not convincing.

20 Applicant's arguments traversing the rejections under 35 U.S.C. § 112, 2<sup>nd</sup> Paragraph are moot because applicant's proposed amendment will not be entered.

Applicant argued that none of the cited references teach or suggest a process in which the second heating means does not contact the support and the photosensitive coated layer. This limitation appears only in claim 1 if amended as-proposed. Since applicant's proposed amendment will not be entered, this argument is moot.

5 Applicant argued that Ogawa does not teach eliminating drying degree fluctuation by adjusting the heating condition of the supports relative to the thickness of a plate. As noted in both Papers Nos. 5 and 8, the subject matter of claims 12 and 13 is allowable over the prior art, but issues under both 35 U.S.C. § 112, 1<sup>st</sup> and 2<sup>nd</sup> Paragraphs persist.


Any inquiry concerning this communication or earlier communications from the  
10 examiner should be directed to William Phillip Fletcher III whose telephone number is (703) 308-7956. The examiner can normally be reached on Monday through Friday, 9 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive P. Beck can be reached on (703) 308-2333. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular  
15 communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

William Phillip Fletcher III  
Patent Examiner  
United States Patent and Trademark Office  
Group Art Unit 1762

20 *wpf*  
April 14, 2003

  
**SHRIVE P. BECK**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 1700**